

Appln. No. Serial No. 10/807,962
Amtd. Dated 5/9/05
Second Response in Appln, Reply to Office Action of 2/8/2005
Page 4 of 6

REMARKS

Upon entry of the foregoing amendment, Claims 1-2 and 4-8 are pending in this application, in which Claims 4, 6 and 7 were withdrawn as being directed to non-elected invention. The Examiner rejected Claims 1-3, 5 and 8 under 35 U.S.C. 102(b) and objected to Claim 8. Claims 1, 2 and 8 have been amended and Claim 3 has been cancelled in the foregoing amendment.

Claim Objections

The Examiner objected to Claim 8 for some informalities. Applicant amended Claim 8 to correct the informalities.

Claims 1, 2, 5 and 8 Are Not Anticipated by Matsuo

The Examiner rejected Claims 1-3, 5 and 8 as anticipated by JP10-103893A ("Matsuo"). Applicant traverses this rejection for the reasons discussed below.

Claim 1

The vehicle heat exchanger of amended Claim 1 requires heat exchangers overlapped with each other in a direction of an airflow, the heat exchangers comprising:

heat exchanger tubes arranged side by side with each other;
outer fins interposed between neighboring heat exchanger tubes; and
header pipes connecting and communicating with both ends of the heat exchanger tubes for heat-conducting media to circulate through the heat exchanger tubes and the header pipes; and

a reservoir in communication with one of the header pipes for reserving a reservoir in communication with one of the header pipes for reserving one of the heat-conducting media and being fixed to a header pipe of the largest one of the heat exchangers,

wherein the reservoir is located at the back of an intake of the frontmost one of the heat exchangers, and the airflow is introduced from the intake.

Appln. No. Serial No. 10/807,962
Arndt. Dated 5/9/05
Second Response in Appln, Reply to Office Action of 2/8/2005
Page 5 of 6

Matsuo describes a heat exchanger assembly comprising a smaller condenser 1, a larger radiator 20 and a reservoir 3, as shown in Fig. 2. The Examiner asserted that the radiator 20 is considered to be the most front one of the heat exchangers from the view of the engine and the reservoir 3 is located at the back of an intake of the radiator 20. In amended Claim 1, the positioning of the reservoir is clarified in terms of an intake of the frontmost one of the heat exchangers, the airflow being introduced from the intake. In Matsuo, the reservoir 3 projects forwardly from the intake of the airflow A, as shown in Fig. 2. Thus, Matsuo fails to describe that the reservoir is located at the back of an intake of the frontmost one of the heat exchangers, and the airflow is introduced from the intake, as required by amended Claim 1. Accordingly, amended Claim 1 is not anticipated by Matsuo and should be allowed.

Claims 2 and 5

Claims 2 and 5 depend from independent Claim 1. The remarks made above in support of the patentability of the independent Claim 1 are equally applicable to distinguish the dependent claims from Matsuo. Accordingly, Claims 2 and 5 should also be allowed.

Claim 8

Amended Claim 8 includes a recitation similar to that of Claim 1. Thus, the remarks made above in support of the patentability of Claim 1 are also applicable to distinguish Claim 8 from Matsuo. Accordingly, Claim 8 should also be allowed.

- Appln. No. Serial No. 10/807,962
Amdt. Dated 5/9/05
Second Response in Appln, Reply to Office Action of 2/8/2005
Page 6 of 6

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

No fee is believed to be due. If a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

Brenda O'Neal
By: Brenda O. Holmes
Reg. No. 40,339

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 815-6555
Our Docket: 44471/298742